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October 26, 2005

EX PARTE

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: *Petition of BellSouth Telecommunications, Inc. For Forbearance Under 47 U.S.C. § 160(c) From Application of Computer Inquiry and Title II Common-Carriage Requirements*, WC Docket No. 04-405

Dear Ms. Dortch:

BellSouth Telecommunications, Inc. ("BST") respectfully withdraws its Petition for Forbearance under 47 U.S.C. § 160(c) From Application of *Computer Inquiry* and Title II Common-Carriage Requirements, which was filed on November 1, 2004. In its Petition BST requested that the Commission forbear from applying *Computer Inquiry*¹ requirements to the extent they required Incumbent Local Exchange Carriers ("ILECs") to tariff and offer the transport component of their broadband services² on a stand-alone basis and to take service itself under those same terms and conditions (as well as related Part 64 accounting requirements). BST further asked the Commission to forbear from all Title II common-carriage requirements that might otherwise apply to ILEC broadband transmission so that BST and other wireline competitors could respond in a timely fashion to the market by providing both wholesale and retail customers with the specific products that they desire.

¹ See Final Decision and Order, *Regulatory and Policy Problems Presented by the Interdependence of Computer and Communication Services and Facilities (Computer I)*, 28 F.C.C.2d 267 (1971); Final Decision, *Amendment of Section 64.702 of the Commission's Rules and Regulations (Computer II)*, 77 F.C.C.2d 384 (1980) ("*Computer II*"); Report and Order, *Computer III Further Remand Proceedings: Bell Operating Co. Provision of Enhanced Services; 1998 Biennial Review – Review of Computer III and ONA Safeguards and Requirements*, 14 FCC Rcd 4289 (1999) (collectively the "*Computer Inquiry*").

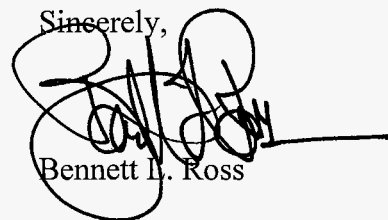
² For purposes of its petition, BST used "broadband" to refer to technologies that are capable of providing 200 kbps in both directions. These services include high-speed Internet access provided using DSL technology.

On September 23, 2005, the Commission released its *Wireline Broadband Report and Order*,³ which largely granted the relief BST was seeking. In particular, the Commission established "a minimal regulatory for environment for wireline broadband Internet access services," by: (i) determining that facilities-based wireline broadband Internet access service is an information service; (ii) relieving Bell Operating Companies of all *Computer Inquiry* requirements related to wireline broadband Internet access service, including the requirement that they separate out and offer the wireline broadband transmission component of wireline broadband Internet access service as a stand-alone telecommunications service under Title II (subject to a transition period); (iii) permitting facilities-based wireline carriers to offer broadband Internet access transmission arrangements for wireline broadband Internet access service on a common carrier or a non-common carrier basis; and (iv) authorizing ILECs to classify non-common carriage arrangements for the provision of wireline broadband Internet access transmission as a regulated activity for purposes of the Commission's accounting rules.

Although BST's petition sought forbearance from certain regulatory requirements as applied to all broadband services, BST agrees with the Commission that its *Wireline Broadband Report and Order* will "benefit American consumers and promote innovative and efficient communications." BST is working diligently to implement the *Wireline Broadband Report and Order* so that those benefits will be realized. BST intends to address the additional regulatory obstacles to broadband deployment through other pending proceedings but, in the meantime, respectfully withdraws its Petition for Forbearance.

Please include this letter in the record in the above-referenced proceedings. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Bennett L. Ross", is written over a circular stamp or seal.

Bennett L. Ross

BLR:kjw

#607260

cc: Michelle Carey
Thomas Navin
Russ Hanser
Jessica Rosenworcel
Scott Bergmann

Julie Veach
Jeremy Miller
Tamara Preiss
Sam Feder

³ In re: *Appropriate Framework for Broadband Access to the Internet over Wireline Facilities*, CC Docket No. 02-33, Report and Order and Notice of Proposed Rulemaking (released September 23, 2005) ("*Wireline Broadband Report and Order*").